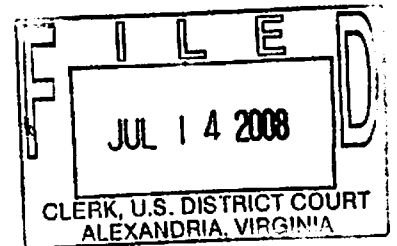


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



UNITED STATES OF AMERICA,)
)
V.)
)
KURT SHAWN HANEIPH,)
)
Defendant.)
)

Criminal No. 1:96cr227

ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)

This matter comes before the Court on the Defendant's motion for reduction in sentence pursuant to 18 U.S.C. Section 3582(c)(2) based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u).

In this case, the Defendant's sentence did not rest on the provision regarding crack cocaine in Section 2D1.1, which has been amended. The Defendant was sentenced as a career offender under U.S.S.G. § 4B1.1. and the Fourth Circuit has held that defendant's sentenced as career offenders are ineligible for relief under the retroactive crack amendments. See, e.g. United States v. Bronson, 2008 WL 539796, *2 (4th Cir. Feb. 27, 2008) (unpublished) ("although the base offense level corresponding to the determined drug quantity would be lowered as a result of Amendment 706, the

amendment is ultimately of no consequence because calculation of Bronson's base offense level was driven by the career offender designation.").

It appearing to the Court that Defendant was sentenced as a career offender under U.S.S.G. § 4B1.1 and his guideline range is unaffected by Amendments 706 and 715, making him ineligible for relief under 18 U.S.C. § 3582(c)(2), it is hereby

ORDERED that the Defendant's motion is DENIED.

/s/

Claude M. Hilton
United States District Judge

Alexandria, Virginia
July 14, 2008